

Def

UNITED STATES PRETRIAL SERVICES AGENCY
Eastern District of New York

MEMORANDUM

DATE: March 28, 2006

TO: Honorable Dora Irizarry
United States District Judge


RE: **Castano, Gilberto**
Docket No.: 05 CR 892-02


Request for Modification of Release Conditions

This defendant was arrested on November 3, 2005, charged with violation of 21 U.S.C. 846, Conspiracy to Possess with Intent to Distribute Heroin. He made his initial appearance on November 4, 2005 before United States Magistrate Judge Robert M. Levy and a temporary order of detention was set in place until November 9, 2005. On that date, the defendant appeared before Magistrate Judge Kiyo Matsumoto and was released on a \$100,000 cosigned bond with the following conditions: travel restricted to the Eastern and Southern Districts of New York, surrender passport, and passports of children, and do not re-apply for any others, subject to random home/employment visits by Pretrial Services, should maintain employment, subject to home detention enforced through a voice recognition program with time out for work, attorney visits, medical emergencies and religious services, and report to Pretrial Services as directed. An indictment was filed in this matter on or about December 2, 2005, to which the defendant pled not guilty.

Since coming under Pretrial Services supervision, this defendant has remained in general compliance with the release conditions. He reports in a timely fashion, submits the required documentation when necessary, and has been compliant with the voice recognition program imposed upon him. During a status conference on March 3, 2006, Your Honor heard from Pretrial Services about the possibility of modifying the release conditions by removing the home confinement condition. AUSA Steve D'Alessandro voiced no objection provided that all of the bond cosigners were informed of the change and were still willing to remain cosigners. Defense counsel has made contact with each cosigner and can represent to Your Honor that each is willing to remain on the bond despite the removal of the home confinement condition. Attached is a Consent to Modify Release Conditions form signed by all three suretors to this defendant's bond indicating that they have no objection to the modification. This officer spoke to AUSA Steve D'Alessandro today who re-stated his consent to this proposed modification.

Therefore, Pretrial Services respectfully requests that home confinement enforced through voice recognition be removed as a condition of release. Should Your Honor concur with the recommendation, an order is attached for your convenience. Please do not hesitate to contact Officer Michael Ilaria at (718) 613-2616 with any questions or concerns.

Prepared by: 
Michael Ilaria
U.S. Pretrial Services Officer

Approved by: 
Andrew Prozeller
Supervising Pretrial Services Officer

Attachment

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IT IS THE ORDER OF THE COURT THAT:

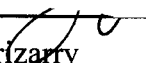
☒ The defendant's conditions of release be modified to remove the home confinement enforced via a voice recognition program.

☐ No action with regard to the defendant's condition of release is to take place at this time.

☐ Other:

SO ORDERED,

Brooklyn, NY.



Honorable Dora Irizarry
U.S. District Judge

March 29, 2006

Date

cc: Steven D'Alessandro, AUSA
Patrick Broderick, Defense Counsel

BRODERICK & BRODERICK

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March 15, 2006

STEVEN L. D'ALESSANDRO
ASSISTANT U.S. ATTORNEY
U.S. DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK
147 PIERREPONT STREET
BROOKLYN, NY 11201

Re: USA v CASTANO

Dear Mr. D'Alessandro:

Enclosed please find the Consent to Modify the release conditions signed by the bond co-signers.

Very truly yours,


Patrick F. Broderick

pfb/ssod

enc

cc: Michael Ilaria
Pre-Trial Services Officer
VIA FAX 718-613-2488

USA v CASTANO

**We the undersigned consent to modify the Defendant, GILBERTO
CASTANO's, conditions of release to remove the home confinement enforced via a
voice recognition program.**

Dated: 3/14/06

Vicki L. Smith

Tanya L. Smith

Lorena Castano